

REMARKS

Claims 1, 3-12 and 14-29 were previously pending. As noted above, claims 1, 3, 5-10, 12, 14-21 and 24-29 have been amended, and claims 30-45 have been added. Support for these amendments may be found throughout the Specification.¹ Thus, claims 1, 3-12 and 14-45 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 103

Claims 1, 3, 10-12, 14 and 21-29 are rejected under 35 USC § 103(a) as being obvious over Aberg (US Patent No. 6,993,362) in view of Pechatnikov et al. (US Publication No. 2003/0229441). Further, claims 4-9 and 15-20 are rejected under 35 USC § 103(a) as being obvious over Aberg (US Patent No. 6,993,362) in view of Pechatnikov et al. (US Publication No. 2003/0229441) in further view of **Newman et al.** (EP Application No. 1193590)*.

***NOTE:** The Office Action refers to “Kennedy” with respect to EP Application No. 1193590, however, the first listed inventor of EP 1193590 is Newman. As such, EP 1193590 will be referred to as Newman herein.

To the extent these rejections apply to the claims, as amended, Applicants respectfully traverse these rejections.

There is no combination of Aberg, Pechatnikov or Newman that discloses or suggests the recited subject matter. In particular, referring to claims 1, 11, 12, 23, 24 and 25, there is no combination of the cited references that discloses or suggests a method, data carrier, device or computer-program product including, at least, the actions, code, configuration or means for:

determining a size of UI elements that fit a display,
 selecting a first subject of UI elements from a plurality of UI
 elements wherein the first subset have the size to fit the display,
 simultaneously displaying the first subset and loading into memory
 only the first subset, and

¹ See, e.g., Published application, paragraphs 41 and 42.

when the menu is scrolled up or down based on a user input such that at least one of the first subset of UI elements is not displayed and at least one of a second subset of UI elements from the plurality of UI elements is displayed:

discarding the at least one of the first subset of UI elements from the memory; and

loading the at least one of the second subset of UI elements into the memory.

Accordingly, the memory is only loaded with the subset of UI elements that are sized to fit on the display.

Aberg fails to disclose or suggest the recited subject matter. While the Office Action alleges that Aberg discloses customizing a size of a sub-menu,² there is no teaching or suggesting that such customization is selecting a first subset of UI elements from a plurality of UI elements wherein the first subset have the size to fit the display, as presently recited.

Further, Aberg is silent with respect to loading only the first subset of UI elements into a memory on the device.

Moreover, the Office Action admits that Aberg is silent with respect to the recited scrolling of the menu.³

Thus, for any one or any combination of these reasons, the subject matter of claims 1, 11, 12, 23, 24 and 25 is patentable over Aberg.

The Office Action attempts to cure the deficiencies of Aberg with the addition of Pechatnikov, however, Pechatnikov also fails to teach or suggest the recited subject matter of claims 1, 11, 12, 23, 24 and 25.

Pechatnikov is silent with respect to selecting a first subset of UI elements from a plurality of UI elements wherein the first subset have the size to fit the display, as presently recited.

Further, Pechatnikov is silent with respect to loading only the first subset of UI elements into a memory on the device.

² Office Action, page 2.

³ *Id.* at page 3.

Moreover, while Pechatnikov may disclose loading new map data while discarding old map data,⁴ such disclosure fails to teach or suggest that when a menu is scrolled up or down based on a user input such that at least one of the first subset of UI elements is not displayed and at least one of a second subset of UI elements from the plurality of UI elements is displayed: discarding the at least one of the first subset of UI elements from the memory; and loading the at least one of the second subset of UI elements into the memory, as recited by claims 1, 11, 12, 23, 24 and 25. Moreover, this disclosure of Pechatnikov is in the context of updating a map on a PDA based on a current position of a vehicle,⁵ which has no relation to the recited scrolling of a menu based on a user input.

Accordingly, any modification of Aberg based on the teachings of Pechatnikov fails to disclose or suggest the subject matter recited by claims 1, 11, 12, 23, 24 and 25.

Thus, for any one or any combination of these reasons, the subject matter of claims 1, 11, 12, 23, 24 and 25 is patentable over any combination of Aberg and Pechatnikov.

Additionally, Newman was not cited for, nor does Newman cure, the above-noted deficiencies of Aberg and Pechatnikov. Accordingly, any modification of Aberg and/or Pechatnikov based on the teachings of Newman fails to disclose or suggest the subject matter recited by claims 1, 11, 12, 23, 24 and 25.

Thus, for any one or any combination of these reasons, the subject matter of claims 1, 11, 12, 23, 24 and 25 is patentable over any combination of Aberg, Pechatnikov and/or Newman.

Claims 3-10, 14-22 and 26-29 depend from one of independent claims 1, 12, 24 or 25, and thus are patentable over the cited references for at least the same reasons, as well as for the respective combination of subject matter recited in each claim.

Thus, based on the foregoing, Applicants respectfully request the withdrawal of the rejections of claims 1, 3-12 and 14-29 under 35 USC § 103(a) as being obvious over any combination of Aberg, Pechatnikov and Newman.

⁴ Pechatnikov, paragraph [0101].

⁵ *Id.*

New Claims

Applicants have added new claims 30-45 to recite subject matter to which they are entitled. As noted above, these new claims are fully supported throughout the Specification. Additionally, it is noted that claims 30-45 are based on claims 3-10 and 14-21.

Additionally, claims 30-45 are allowable, as there is no combination of the cited references that discloses or suggests the subject matter recited by these claims.

In particular, claims 30-45 respectively depend from one of independent claims 24 or 25, which are believed to be patentable over any combination of the cited references, as discussed above. Thus, for at least the same reasons, claims 30-45 are also non-obvious and patentably distinguishable over the cited prior art references.⁶

Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Therefore, Applicants respectfully request that the Examiner allow claims 30-45.

⁶ MPEP 2143.03.

CONCLUSION

In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: June 9, 2010

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